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**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

**Letter dated 18 July 2006 from the Permanent Representative
of Uzbekistan to the United Nations addressed to the
Secretary-General**

I have the honour to convey to you the information regarding the introduction of habeas corpus in the Republic of Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixtieth session of the General Assembly, under agenda item 71 (b).

(Signed) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan



Annex to the letter dated 18 July 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Introduction of the institution of habeas corpus in Uzbekistan

Under articles 19, 25 and 44 of the Constitution of the Republic of Uzbekistan, which establish the rights of citizens to legal defence, in order to further liberalize the judicial and legal system and ensure the gradual and consistent transfer to the courts of the right to issue orders for the application of procedural compulsion measures involving limitation of constitutional human rights and freedoms, the President of Uzbekistan issued the Decree "On transferring to courts the right to issue detention orders" on 8 August 2005.

Under the Decree, on 1 January 2008 the right to issue orders for the detention of persons suspected or accused of crimes will be transferred to the competent courts.

The Decree serves as confirmation of the continuing liberalization of the judicial and legal system, as it expands the powers of the courts in the administration of justice.

The transfer to the courts of the right to issue detention orders will allow the question of restriction of liberty to be publicly addressed in open court in the presence of the suspect, legal counsel, the prosecution and other interested parties. This in turn will do much to strengthen legal guarantees ensuring citizens' freedom during criminal prosecution at the stage when the question of detention is decided.

In order to establish a legal mechanism for the courts to issue detention orders, in accordance with the requirements of the above-mentioned Decree, the Ministry of Justice of Uzbekistan, in concert with the Supreme Court, the Office of the Prosecutor-General, the Ministry of Internal Affairs and the National Security Service of Uzbekistan, has developed a draft law which would introduce amendments and additions to the Code of Criminal Procedure and to the Acts "On the courts" and "On the Prosecutor". This draft has been sent to the Parliament of Uzbekistan for consideration.

The experience of foreign countries in matters of imprisonment and detention was considered as this draft law was being prepared. The draft envisages a change in the procedure for issuing detention orders whereby an investigator would bring a motion to apply a preventive measure in the form of detention, and the prosecution, if in agreement, would introduce the motion for consideration by the court. The question of applying this preventive measure would be considered by the district (municipal) Criminal Court acting alone, with the participation of the prosecution, the accused, the defence counsel and others who have been subpoenaed to appear in court. Based on the outcome of consideration of the motion, the Court will decide to apply or reject detention and the decision may be appealed or protested by the persons concerned.

It is also envisaged that extension of the detention will also be ordered by this same court. Detention should be ordered in exceptional cases, when other preventive measures prove ineffective, and only by decision of the courts, where competent.

The introduction of this type of detention indicates that Uzbekistan is in strict compliance with international human rights protection standards. This is the latest phase in the strengthening of the judicial branch and its authority as a guarantee of effective human rights protection and introduction of the institution of habeas corpus.
